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THE NECESSITY OF ADOPTION

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ABSTRACT	KEYWORDS
<p>In this article, it is scientifically based that the institution of adoption is a humanitarian institution according to its essence and purpose. It has been revealed from a socio-legal point of view that it is necessary to focus on providing normal family education to children who are deprived of their parents or cannot receive parental education for some reasons. A child who has lost his parents due to adoption is placed in another family and given family education.</p>	<p>Child, right, adoption, nation, family, parents, duty, obligation.</p>

Introduction

Undoubtedly, the role and influence of the family is incomparable in the formation and promotion of the unique spirituality of any nation. Because the purest and purest feelings of a person, the first concepts and imaginations of life are first formed in the bosom of the family. It is natural that the foundation of the spiritual standards and views that determine the child's character, nature and worldview - the foundation of sacred concepts such as goodness and goodness, nobility and kindness, honor and respect - is settled in the family environment[1.23]. The main purpose of adoption is for one reason or another. , providing minors who do not have the opportunity to grow up in the arms of their parents with family and parental love and affection, and children to grow up without suffering from the situation in which they have fallen. On the other hand, the adopters are blessed with parental consciousness and happiness, in addition to the feeling of fulfilling a high human duty. Therefore, adoption is a special blessing for adoptees and adoptees, the satisfaction of high human feelings. At the same time, it is also very beneficial for the society. The most basic conditions for a child to grow and mature normally are parental love, care, and a family environment. The most important thing is that between the adopted children and the adopters, there is a permanent, stable mutual trust, love, responsibility, care, personal relationship based on blood kinship, like real parents and children. However, there is a risk that such relationships will break, the child's mental state and heart will be hurt, the adopters will be in a very uncomfortable situation and a number of other difficult situations will arise - this is the disclosure of the secret of adoption. For the same reason, the secret of adoption is fully protected by law.

Usually, any child is born, brought up and grows up in a family. However, there are also situations in life that result in children being deprived of their parents' care. These cases can be conditionally divided into objective and subjective reasons. For example, objective reasons include: the death of parents, their illness, various unfortunate events, loss of mental capacity, loss of a child in emergency situations (natural disasters, during military operations), etc. While some objective reasons are explained by

parents being deprived of parental rights as a result of illegal behavior towards their children, sometimes parents are sentenced to imprisonment or imprisonment for a crime committed as a result of behavior unrelated to their parental obligations. can be expressed in judgment.

Literature Review

The subjective reasons why children are deprived of their parents' care are usually related to parents' illegal behavior towards their children. For example, misbehaving with children (using physical force, beating, torture, etc.); refusal of parents to take children from maternity hospitals, educational and other institutions; leaving children in public places or with strangers; leaving children at home without necessary food and medicine; It can be expressed in the fact that they don't want to bring their child clothes, school supplies, etc. [2.507.] .

Information is also provided in cases where the parents are unknown, or they are recognized as missing or dead by the court, and they do not live with the children for more than six months, despite the warning of guardianship and patronage authorities.

The guardianship and guardianship body identifies children without parental care and keeps their records.

Information about children left without parental care to the guardianship and guardianship body:

- relatives of the child;
- chairmen (elders) of self-government bodies of citizens;
- officials of civil registration bodies (when it is known that there are children left without parental care during the registration of the death of citizens, as well as in other cases);
- courts (when decisions are issued to recognize a citizen as incompetent, to declare him dead, to imprison or deprive persons with minor children under their care, as well as in other cases when children are left without parental care);
- institutions (pre-school educational institutions, general education institutions, medical institutions, social protection institutions and other institutions), officials of public associations;
- it is presented by citizens who are aware of the fact that children are left without parental care.

Caring for children deprived of parental care is one of the important tasks of the state and society. A.M. Nechaeva stated that "adoption occupies a special place among forms of permanent placement of children deprived of parental care"[3.267.] . Adoption creates all personal and property rights and obligations between the adopter (and his relatives) and the adopted (and their future descendants), regardless of whether or not they are specifically stated in the law, in the legal documents established for parents and children.

The form of placement of children deprived of parental care can be understood as a legally defined procedure for the placement of children deprived of parental care in a family or a children's institution, their upbringing, education, maintenance, protection of their rights and interests.

Adoption is the optimal form of placement for orphans and abandoned children, because as a result of adoption, as a result of adoption, the child is provided with the same upbringing conditions as in his own family, sometimes even better. Adoption is not the result of a random act, but is a decision made after serious thinking and deliberation, with prior preparation, and in this decision, the wishes and will of people who do not have their own children are embodied[4.513.].

Adoption is a legal document, which mainly creates legal relations between adopters and adoptees, like between parents and children[5.225.]. Through adoption, children have new parents and other relatives and complete the legal relationship with their parents and relatives.

Therefore, adoption is a document that creates and cancels this legal relationship.

According to L.M. Pchelintseva, adoption gives childless persons an opportunity to satisfy parental love, paternal and maternal needs. However, in adoption, the child's interest should be put first [6.672.]. Through adoption, childless persons fulfill their natural needs of fatherhood and motherhood. Due to the forced relocation of some nationalities from the territory of the former Soviet Union during the Second World War, children of other nationalities were raised by our people with human love. Citizens of our country not only accepted people of other nationalities with tolerance and gave them a place in their homes, but also took children orphaned from their parents into their arms and showed great kindness towards them.

Plenum Resolution No. 23 [7.] of the Supreme Court of the Republic of Uzbekistan dated September 11, 1998 "On the practice of applying laws by courts in resolving disputes related to child upbringing" [7.] states that children were adopted by other persons and the adoption was not canceled or valid if it is not found, the restoration of parental rights is not allowed.

The issue of taking children from adoptees can also be resolved in this manner if there are no legal grounds for canceling the adoption.

When taking children from their parents or adoptive parents (restriction of parental rights), the court must decide on the issue of alimony from the parents (one of them) for the support of the child. Failure of the adoptees to fulfill their obligations or not fulfilling them properly can be a reason for annulment of adoption by the court.

In other cases where it is necessary for the child's interests, the adoption can be canceled by the court. If a claim for annulment of adoption is filed on the grounds that the law was violated in its formalization, in accordance with the laws of the republic, the court must take into account all factual circumstances when resolving the dispute, including whether annulment of adoption is against the interests of the child.

When canceling the adoption, the court has the right to determine that the child is in need of financial support and force the former adopter to pay for his support.

In this case, the recovery of funds for the financial support of the child is carried out by the court in a fixed amount, taking into account the financial and family conditions of the former adopter and the claimant.

In adoption, the family-legal relationship for the future parents already exists. That is, their mutual marriage indicates that a family relationship has been established. As a result of adoption, a new family-legal relationship is created for the child, just like when a new child is born in the family, the adopting parents are given a number of rights and obligations by law. And the child is provided with the main right for him to grow up happily, provided for in the Convention on the Rights of the Child - the right to live and be educated in the family.

According to M.M. Klyachko, as a result of adoption, the relationship between parents and children is created. An adopted child is related to the adopter in the same legal relationship as his own children, and the adopter is a parent to the adopted child and his descendants[8.9.].

According to F. M. Otakho'jaev, adoption means making someone else's child equal to one's own child, which is a vivid example of showing kindness to children, especially children who need attention. In

this case, between the adopters and the adopted, the same legal relationship as between birth parents and children is created [9.226.].

Research Methodology

Parental relations arise as a result of procreation. For this reason, legal relations of parentage and legal relations of adopters are different from each other. The absence of a biological relationship does not allow establishing a legal relationship that is exactly similar to the relationship between parents and children.

1. Parental legal relations are based on birth. In case of adoption, this does not have legal significance. Of course, sometimes in cases of adoption of a child by relatives, the existence of a relationship of kinship is not part of the legal facts that may affect the created legal relationship. Adoption is based on two conditions: 1) the will of the adopter; 2) the decision of the governor (or the court) on adoption lies.
2. The will of the parents is not necessary for the establishment of the legal relationship of parenthood. In some cases, parental legal relationship can be established even against the will of the parents. For example, a child born out of wedlock may not be recognized by the father and may not have any contact with him, but as a result of the court's determination of paternity, a parental relationship exists.
3. If the legal fact that creates the legal relationship between parents and children is this event, then this action is the basis for the adoption.
4. Legal relations between parents and children and legal relations resulting from adoption arise at different times. That is, if parental relationship is established with the birth of a child, and in the case of adoption, according to Article 167 of the OK, the day when the necessary changes are made to the register of the birth of the adopted child is considered the time of adoption.
5. Legal relations between parents and children, as well as on adoption, must have different grounds for annulment (Article 169 of the Code of Civil Procedure). However, in both relationships, one basic fact is that death brings about the termination of the legal relationship.
6. Adoptees cannot be deprived of parental rights, only the adoption is canceled. As a result of deprivation of parental rights and cancellation of adoption, the rights of parents and adoptees are terminated. However, its foundations and legal consequences are different. Although the current Family Code defines annulment of adoption and deprivation of parental rights almost identically, deprivation of parental rights is not possible unless the parents are at fault.

Conclusion/Recommendations

Adoption can be annulled by the court even in cases where the adopter is not at fault. Although deprivation of parental rights is indefinite, parental rights can be restored in cases where it is in the best interest of the child, when the behavior of the parent changes in a positive direction. After cancellation of adoption, second adoption is not allowed. In our opinion, the determination of this rule from the point of view of the law is determined by the existence of a birth relationship between a parent and a child.

It is important to note that the deprivation of parental rights does not release a parent from the obligation to provide for his child. The issue of whether a parent deprived of parental rights (one of them) will continue to live together with a child will be decided by the court in accordance with the procedure established by legislation on housing.

A child whose parents (one of them) has been deprived of parental rights over him, if he is not adopted, retains the property right to the residence or the right to use the residence, as well as the fact of birth with his parents and other blood relatives. reserves all property rights based on it, including the right to inherit.

The analysis of the legal relations that arise as a result of adoption shows that as a result of this, a real family relationship is created between the adopter and the adoptee. If we take into account the fact that most people are born in a family, and the importance of family upbringing, the role of a child in growing up as a person with the love of parents is incomparable.

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